

IDAHO FALLS PLANNING COMMISSION

CITY OF IDAHO FALLS PLANNING DEPARTMENT

P.O. BOX 50220

IDAHO FALLS, IDAHO 83405-0220

September 17, 2013

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Jake Cordova, Brent Dixon, George Morrison, Doug Branson, Natalie Black, Margaret Wimborne, and George Swaney

MEMBERS ABSENT: Commissioners Leslie Polson, Dee Whittier, Kurt Karst, David Hodder, and Donna Cosgrove

ALSO PRESENT: Planning Director Renee Magee, Assistant Planning Director Brad Cramer, Recording Secretary Jessica Sharp, and interested citizens

CALL TO ORDER: Chair Cordova called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

MINUTES: Morrison moved to approve the minutes of September 3, 2013. Dixon seconded the motion, and it passed unanimously.

PUBLIC HEARINGS:

Conditional Use Permit for the Construction of a Gym Addition to a Day Care Facility: Lots 10-13, Block 12, St. Clair Estates, Division No. 7: Cramer reviewed the staff report and slides, a part of the record. A portion of the parking lot was constructed on property not owned by the applicant. There are trees, shrubs, and a buffer between the parking lot and the adjacent single-family home to the south that were approved in 2005 as part of the original conditional use permit but were never constructed. Cramer clarified for Dixon that the area outlined on the map includes property not owned by the applicant, but was included because it includes a portion of the parking lot. Cramer confirmed for Wimborne the landscaping not installed as part of the 2005 conditions of approval includes the area along the southern border of the property. Cramer explained for Swaney that day care facilities in an R-1 zone must be considered by both Planning Commission and City Council.

Cordova opened the public hearing.

Holly Jackson, 3545 Potomac Way. There have been ongoing issues with this property since the building was constructed in 2005. The building was built 30 feet further to the west than what was planned. There would have been additional parking if the building had been constructed further to the east. The contractor owned both the day care site as well as the surrounding property. To compensate for the lack of parking, the contractor built the additional parking area on his property to the south. She cannot get a permit to construct the required fence on property they do not own. The purpose of the project is to provide an area where the children can play during the winter months. Swaney asked why the landscaping on other areas of the site was not installed. Jackson replied that all of the landscaping was completed with the exception of on the southern end of the parking lot. They planted trees and

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“PLANNING FOR A BETTER IDAHO FALLS”

AUTHORIZED AND ESTABLISHED IN ACCORDANCE WITH 1935 IDAHO SESSION LAWS (EXTRAORDINARY SESSION) CHAPTER 51, BY
RESOLUTION OF THE HON. MAYOR AND CITY COUNCIL OF IDAHO FALLS, IDAHO

constructed a berm as requested. The photos of the property were shown again to point out areas where landscaping had been installed. Morrison asked Jackson what her plans were to resolve the property ownership issue. Jackson does not believe the owner will be willing to fulfill promises made by the previous land owner. Swaney asked if she would be willing to remove the asphalt from the property they do not own. Jackson does not believe it is her responsibility to remove the asphalt. Dixon asked Cramer if the lot where the parking area has been constructed is a buildable lot. Cramer responded the lot must be 50 feet wide and include 6,000 square feet in area. He does not know the exact dimensions of the lot. Dixon asked if the owner of the lot owns any other property in the area. Cramer said the same individual owns both the lot south of the parking area and the large vacant lot south of the day care. In response to a question from Cordova, Jackson clarified that she does not believe it is her responsibility to remove the asphalt from the adjacent property and has not been successful in any attempts to acquire the property. She does not believe the parking lot should be related to the request to construct the gym. The contractor was not honest with this property and she should not have to pay the consequences of his actions.

Dixon asked if the gym is in compliance with the ordinance requirements. Cramer said the building meets the setbacks, height requirements, and landscaping requirements. Dixon asked if there were any records to indicate whether or not the property was inspected and approved by the Planning Department. Cramer responded that without opening the permit records system, there is no way to know for sure, but at that time staff was consistent in making inspections.

Cordova closed the public hearing.

Cramer clarified for Black that the site meets the landscaping requirements. Morrison believes applicants should comply with the original conditions of a conditional use permit before being approved for another permit. The property ownership problem is not the commission's issue. In response to a question from Wimborne, Cramer corrected his previous statement and said the property meets the landscaping requirements with the exception of the buffer along the parking lot and the missing trees and shrubs. She agrees that if the original conditions have not been met then a new conditional use permit should not be issued. Cramer reviewed the original conditions from 2005. Based on those conditions and the minimum standards of the ordinance, the buffer does not meet the requirements. Morrison said it seems that there have been cases where conditions and requirements are not being enforced and in this case the commission has the opportunity to assist with enforcement. Dixon said if there was a landscaping inspection done and the property passed inspection at that time the commission should not be dealing with it again now. The parking lot is something that needs to be resolved, but he would like to know if it is a buildable lot because that may determine whether adding a fence or landscaping is an option. In terms of the building request he is comfortable knowing it meets the zoning requirements. Were it not for the other issues, the commission would likely approve the gym addition without much hesitation. He believes there are some issues that should be resolved before this item goes on to City Council, including whether or not there was an inspection conducted by staff. Staff should also revisit the site and do a more thorough inspection as to what is really missing and what has been installed as approved in 2005. It may show that they really have met all of the requirements and should be approved on their new request.

Morrison moved to recommend to the Mayor and City Council denial of the application as presented because the applicant has not met previous requirements and a new permit should not be issued until the property complies with the original approval. Black seconded the motion, and it passed 5-1 with Dixon opposing.

Annexation and Initial Zoning of RMH (Residential Mobile Home), Final Plat and Conditional Use Permit for a Travel Trailer Court: Yellowstone RV Park: Cramer presented the staff report, a part of the record. Staff was notified on the day of the hearing that Idaho Falls Power is requesting a 15 foot wide public utility easement along the northern property boundary to be shown on the plat. Cramer clarified for Dixon staff is concerned about the stalls in the southeast corner because they angle into each other and don't provide easy ingress and egress. Cramer explained for Black where the landscaping was being provided and said it meets the ordinance requirements. The southern boundary will potentially be adjacent to a residential development but what is shown does meet the normal buffering requirements.

Cordova opened the public hearing.

Kurt Roland, Eagle Rock Engineering, 1331 Fremont Avenue, Idaho Falls. Roland said the applicant owns the property south of the proposed project and intends on building a mobile home park. They are planning on installing a fence along the southern property boundary. They will adjust the southeast stalls as requested by staff and move the office and laundry building to meet the required setbacks or remove the building. Roland clarified for Black that they will be installing a fence on the south side of the property and a berm with trees along Yellowstone.

Cordova closed the public hearing.

Cramer confirmed for Dixon some of the landscaping along Yellowstone Highway was in the right-of-way and could someday be removed if the roadway is widened. Swaney suggested the motion be for a 42 stall facility instead of 43 stalls in order to address the issue in the southeast corner.

Dixon moved to recommend to the Mayor and City Council approval of annexation, initial zoning of RMH, the final plat, and the conditional use permit with the conditions that the trailer court be for 42 spaces unless the applicant can come up with a resolution in the southeast corner which is satisfactory to the planning staff, the required trees within the utility easements be labeled on the site plan, a utility easement be added on the northern side of the plat, and the laundry and office building be modified to meet setbacks. The motion was seconded by Branson, and it passed unanimously.

Conditional Use Permit for a Message Center: Sunnyside Crossroads Regional Center North, Division Nos. 1, 2, and 3: Cramer presented the staff report, a part of the record. Dixon asked how tall the sign would be in relation to the hotel. Cramer did not know the hotel's height, but said the Exxon sign to the south is the same height as the proposed sign. Wimborne asked where the additional signs for each building will be located. Cramer explained that any of the buildings in Exhibit A could construct one of the additional signs on its specific site.

Cordova opened the public hearing.

Lyle Kooson, Town Pump, Butte, Montana. Kooson said the ability to share the electronic message center is a great way to reduce the sign clutter. Businesses within the development will be able utilize the message center as well as the panels below the message center. Sleep Inn will not be using any of the smaller signs shown in the presentation. Sleep Inn is only part of the message center request. He said the top of the hotel is approximately 62 to 64 feet in height, so the sign will be about 18 to 20 feet taller than the hotel. They are confident the 80 feet is sufficiently tall to be seen by travelers.

Cramer wished to clarify two items. First, the sign ordinance only allows one sign per street frontage per shopping center. The purpose of the conditional use permit was to reduce the number of signs, but still allow consolidation of the use of the electronic message center. Part of the conditional use permit is to determine whether or not the smaller signs are appropriate. If they are not discussed and approved during the hearing, there will be no other signs within the development in the future. Second, he asked the applicant to clarify the statement the Sleep Inn was not a part of the Sunnyside Crossroads North. If they are not, then the application does not meet the requirements of the conditional use permit. Swaney clarified that the conditional use permit allows the other buildings to have monument signs whereas they otherwise would not be permitted.

Lyle Kooson, Butte Montana. Sleep Inn is still part of the development, but he only represents Sleep Inn's interests, not the other properties'.

Cordova closed the public hearing.

Wimborne said the application is clear and it addresses both current and future needs well.

Wimborne moved to approve the conditional use permit as presented with the condition that only one additional sign per building per street frontage be permitted as shown in the exhibits. The motion was seconded by Branson. Morrison commended the applicant on proposing a unified sign and he appreciates the reduction of signs. Dixon said he wanted the applicant to be aware of the restrictions on animations on electronic message centers. He also asked how the development is divided by public streets. Cramer said Outlet Boulevard is a public street. The remaining streets are private. Staff met with the City Attorney and the applicant's attorney. The intent of the ordinance was to consolidate signs for developments of this nature. He also explained that the variance that will be heard regarding the size and height of the sign is not related to any of the requirements imposed by the conditional use permit. **The motion passed unanimously.**

BUSINESS:

Final Plat: Tacoma Screw Products: Magee presented the staff report, a part of the record. Magee clarified for Dixon that the driveways are spaced as far apart as possible and that any shared access will be reflected in other documents rather than the plat.

Morrison moved to recommend to the Mayor and City Council approval of the final plat as presented. The motion was seconded by Branson. Dixon moved to amend the motion to include the condition that if there is a shared access to the south of the property on Yellowstone, then the southernmost access to the property be removed. Morrison seconded the amendment, and it passed unanimously. The original motion passed unanimously.

Final Plat: Boozer Addition, Division No. 5: Magee presented the staff report, a part of the record. Staff recommends approval of the plat with the condition a cross-access agreement be recorded to provide access to Wardell.

Wimborne moved to recommend to the Mayor and City Council approval of the final plat with the condition a cross-access agreement be recorded across the three lots. The motion was seconded by Morrison and it passed unanimously.

Site Plan in an RSC-1 Zone for the Addition of Two Building Pad Sites: Northern half of Block 1, Parkwood Addition, Division No. 1: Magee presented the staff report, a part of the record. Magee clarified for Swaney that this is just an approval for a preliminary site plan and when a building is ready to be constructed, a new site plan with more detail will need to come back to the Planning Commission. Dixon asked if there was any reason for the additional landscaping on the east side of the property. Magee explained the setback is 50 feet along Woodruff.

Jeff Freiberg, 956 Oxbow Lane, Idaho Falls. Freiberg said the purpose of the request is to add two building pads to the site. The applicant recognizes this is a preliminary review and additional site plans and hearings will be required for final approval.

Swaney moved to approve the preliminary site development plan as presented. The motion was seconded by Branson. Magee clarified that many applicants do not take this two-step approach to approval and submit the finalized site plan from the beginning. This applicant is beginning with the preliminary approval. Future approval will dependent upon all zoning requirements being met. **The motion was approved unanimously.**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Brad Cramer